

EXPRESS MAIL NO. EL264464537US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stefan JOOS, et al.

Application No. 09/171,854 (PCT/DE97/00814)

Filed: October 22, 1998 (April 23, 1997)

For: **IDENTIFICATION OF NUMERICAL  
CHANGES IN CELL DNA**

Art Unit: Unassigned

Examiner: Unassigned

Attorney's Docket No: 35280038US00

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

**BOX PCT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

A Notification of Missing Requirements was mailed from the U.S. Patent and Trademark Office on July 20, 1999 in the above-referenced application. A Response is due August 20, 1999. The Notification indicates that an Oath or Declaration of the inventors must be furnished within the one month time period. Applicants furnished a Combined Declaration and Power of Attorney on December 23, 1998. A copy of the Combined Declaration and Power of Attorney and stamped postcard receipt are included herewith. It is therefore submitted that no missing requirements remain in the above-referenced application.

It is believed that no fees are due in connection with this submission. However, if any fees are due in order to maintain the pendency of the application, please charge Howrey & Simon's Deposit Account No. 08-3038.

Respectfully submitted,

Date: August 17, 1999

**HOWREY & SIMON**

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(650) 463-8100

*J. David Smith* Reg. No. 39,838  
for Albert P. Halluin (Reg. No. 25,227)

09/171854



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

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U.S. APPLICATION NO.	09/171,854	FIRST NAMED APPLICANT	JOOB	ATTY. DOCKET NO.	S 3528.38.US00
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ALBERT P HALLUIN  
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RECEIVED

JUL 23 1999

INTERNATIONAL APPLICATION NO.

PCT/DE97/00814

I.A. FILING DATE

PRIORITY DATE

04/23/97

04/24/96

HOWREY &amp; SIMON (MAR) MAILED:

07/20/99

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - ☐ a Designated Office (37 CFR 1.494),
  - ☒ an Elected Office (37 CFR 1.495):
    - ☒ U.S. Basic National Fee.
    - ☒ Copy of the international application in:
      - ☒ a non-English language.
      - ☐ English.
    - ☒ Translation of the international application into English.
    - ☐ Oath or Declaration of inventors(s) for DO/EO/US.
    - ☐ Copy of Article 19 amendments.
    - ☐ Translation of Article 19 amendments into English.
    - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
    - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
    - ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
    - ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
    - ☐ Assignment document.
    - ☐ Power of Attorney and/or Change of Address.
    - ☒ Substitute specification filed \_\_\_\_\_.
    - ☐ Statement Claiming Small Entity Status.
    - ☒ Priority Document.
    - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
    - ☐ Other:
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

*William R. Williams*  
Telephone: (703) 305-3744

DOCKETED *qdc* 7.22.99

Response Due 8.20.99

Last Day 1.20.00

Box  
Date Mailed: December 23, 1998  
EXPRESS MAIL NO. EL273178407US

(JDS)  
Atty. Docket: 03528.0038.US00

Applicants: Stefan JOOS, et al.  
Title: Identification of Numerical Changes in Cell DNA

Group Art Unit: Unassigned  
Filing Date: October 22, 1998

Application No.: 09/171,854  
Examiner: Unassigned

Assistant Commissioner for Patents  
Washington, DC 20231

SIR:  
Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Transmittal letter to the DO/EO/US (in duplicate);
2. Executed Combined Declaration and Power of Attorney (2 pages);
3. Request for a Refund (in duplicate);
4. Facsimile copy of Verified Statement (Declaration) Claiming Small Entity Status;  
and
5. Return post card.

Box  
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Title: Identification of Numerical Changes in Cell DNA

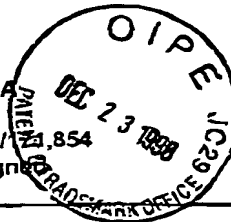
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